

would have added 2,000 acres (that were encompassed by the Commissioners' "protection area" alternative) to the Indian Peaks Wilderness Area (these acres were recommended for wilderness by the Forest Service).

The proposal included language to spell out in more detail the management regime of the "protection area." These provisions (including a ban on hardrock mining, a ban on campgrounds, and a ban on timber cutting) were largely based the management rules for the Bowen Gulch "backcountry recreation" area and the existing "special interest area" Forest Service management under the 1997 Forest Plan. Inclusion of the latter provision was at the request of the Grand County Commissioners.

Following the release of this proposal, I met with the Grand County Commissioners to discuss this proposal and for the option of wilderness for some lands in the Grand County part of the James Peak roadless area. This was a productive meeting. We discussed a number of issues, most of which have been addressed in the bill that I am introducing today. In summary, those issues included:

(1) Prohibiting Motorized and Mechanized Recreation Atop Rollins Pass—Although this area was identified as a possible location for motorized and mechanized recreation in the previous proposal, all agreed (including the snowmobile and mountain bike users) that this area should not be available for such use.

(2) Reopening the Rollins Pass Road—The Commissioners and the users of the Rollins Pass road (also known as the Corona Pass road) indicated an interest in reopening this road for two-wheel drive traffic. Presently, this road is blocked due to the closure of the Needle Eye tunnel and degrading railroad trestles. As a result, a number of motorized recreational users have been creating roads and trails to bypass these blockages. The users of Rollins Pass road indicated that if this road could be reopened, then they would be willing to work with the Forest Service to close these bypasses. The Grand County Commissioners agreed with this suggestion.

(3) The Berthoud Pass Ski Area—The Commissioners expressed an interest in drawing any proposed boundaries near Berthoud Pass to accommodate the existing Berthoud Pass Ski Area's permitted boundary. Everyone agreed that this should be done.

(4) Private Inholdings—The Commissioners expressed an interest in ensuring that the rights of private inholders be preserved.

(5) Forest Service Management—The Commissioners requested that the proposal include specific language indicating that the "protection area" would be managed according to the 1997 Forest Plan. In addition, the Commissioners and recreational users requested that this management be flexible enough to allow the Forest Service to relocate trails, roads or areas in order to address future management issues.

(6) Wilderness Addition to Indian Peaks—The Commissioners expressed support for including the approximately 2,000-acre wilderness addition to Indian Peaks—an area that was "recommended for wilderness" in the 1997 Forest Plan.

(7) Buffer Zone—The Commissioners indicated an interest in considering the inclusion of language that would prohibit the establishment of a restrictive "buffer zone" around the area. This provision would ensure that the ex-

istence of a "protection area"/wilderness area would not lead to managerial restrictions on the lands outside the proposed boundaries.

(8) Telecommunication Opportunities on Mount Eva—The Commissioners also indicated an interest in keeping the top of Mt. Eva open for telecommunication facilities as this area was used in the past for such activity. However, the State Land Board permitted the previous facilities on Mt. Eva as the intention was to site these facilities on the State Land Board section. But the facilities were mistakenly located on Forest Service land. Nevertheless, these facilities were removed when the company went bankrupt. In addition, there are no access roads or services to this area. Given all of these difficulties, it was suggested that other locations for these options may be more appropriate.

(9) Rogers Pass Trail—Members of the public also expressed interest in keeping this trail open and available for mountain bike recreational use. It is unclear whether this trail is in fact open to such use. Nevertheless, the Grand County Commissioners indicated that they would like to pursue the option of allowing such use of this trail.

(10) Prohibition of Land Exchanges—The Commissioners expressed an interest in having the bill prohibit any further land exchanges in the area to prevent further development from encroaching into Forest Service areas.

I reworked my proposal to incorporate these issues. It was my hope that in accommodating these concerns in the bill, that the Grand County Commissioners would reconsider some wilderness protection for the lands in the James Peak roadless area south of Rollins Pass. However, the three Grand County Commissioners were divided on this question (one Commissioner did suggest extending the wilderness boundary westwards over the Divide and down to timberline in Grand County).

Nevertheless, the Grand County Commissioners did express support for the wilderness addition to the Indian Peaks Wilderness Area, support for the "protection area" to be managed according to the 1997 Forest Plan and for the adjustments that I had made based on their input. Regrettably, however, they expressed opposition to any wilderness designation now for lands south of Rollins Pass or Rogers Pass.

The Commissioners also indicated a concern that such a designation might have some effect on water rights. I think it is clear that there are no grounds for such concerns. Careful review has convinced me that there are no water rights except those for national forest purposes and no diversion facilities in the portion of the James Peak roadless area south of Rollins Pass. In addition, if any such rights do exist, they would not be extinguished by wilderness designation. Furthermore, as any wilderness designation for this area would be governed by the 1993 Colorado Wilderness Act, the courts would be barred from considering any assertion that the designation involved a federal reserved water right. Further, this area is essentially a headwaters area. Wilderness protection would thus ensure that water would continue to flow out of this area—unimpeded—for downstream users and benefits.

The Grand County Commissioners did indicate that they understood and found acceptable the Forest Service's process for periodic review of the way it manages national forest

lands in Grand County. Further, the Commissioners indicated they would not oppose having the Forest Service again review the lands south of Rollins Pass for possible wilderness designation. They indicated that they were aware that the Forest Service had reviewed this area in the past and could have recommended it for wilderness, but did not do so. The Commissioners also indicated that if the Forest Service were to review the area again, they would respect that process.

Accordingly, the bill I am introducing today provides for such a renewed study of these lands. It designates the James Peak roadless lands in Grand County south of Rollins Pass as a "wilderness study area" and directs the Forest Service to re-look at this area for suitability as wilderness. This provision will preserve the status quo on approximately 8,000 acres south of Rollins Pass by keeping this area in its current roadless and pristine state. The bill would require the Forest Service to report its recommendations for these 8,000 acres within three years. It will then be up to Congress to decide regarding the future management of these lands.

This part of the bill also addresses the Roger Pass trail issue—an issue of importance to the Grand County Commissioners and users of this trail. While I believe that this trail should be included in wilderness (it is within the proposed wilderness study area), the bill directs that the Forest Service evaluate whether and to what extent this trail should be managed for mechanized recreational use.

I believe that the bill I am introducing today keeps faith with my commitment to work with local County Commissioners and others. It addresses a majority of the issues that were raised.

These lands are indeed special. They contain a number of high alpine lakes and tundra ecosystems. This area also represents one of the last remaining unprotected stretches of the Continental Divide that comprises the Northern Front Range Mountain Backdrop.

With the population growth occurring along the Front Range of Colorado, I am concerned that if we do not protect these special lands for future generations, we could lose a critical resource for future generations. That is why I am introducing this bill and why I will work hard for its enactment into law.

For the benefit of our colleagues, I am attaching a fact sheet that summarizes the main provisions of the bill.

#### JAMES PEAK WILDERNESS, JAMES PEAK PROTECTION AREA AND WILDERNESS STUDY AREA ACT

Summary—The bill would designate the James Peak Wilderness Area, add to the existing Indian Peaks Wilderness Area, designate a James Peak Protection Area and a James Peak wilderness study area, all within the Arapaho Roosevelt National Forest in Colorado.

Background: In 1999, Congressman Mark Udall introduced the James Peak Wilderness Act (H.R. 2177) which would have designated about 22,000 acres of land in the Arapaho-Roosevelt National Forest as wilderness north of Berthoud Pass and south of the Indian Peaks Wilderness Area. Since then, there have been further discussions with county governments, the Forest Service, and the public. On January 31, 2000, the Grand County Commissioners proposed the alternative of designating lands in that county as a "protection area" instead of wilderness. On February 12, 2001, Congressman Udall released a proposal that was similar to the